THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 18683 of 2006

Date:05-06-2007

Between:

Mrs. Sabeena Shah

..

PETITIONERS

AND

The S.H.O., P.S.,Humayunnagar,Hyderabad and two others

..

RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus calling for records in Crime No.62 of 2006 on the file of Police Station, Humayun Nagar and to quash the same, as illegal and arbitrary.

The case of the petitioner is that she is the tenant of the 3rd respondent since 1998. It is stated that the mother of the 3rd respondent borrowed a sum of Rs.1,50,000/- as hand loan repayable in instalments and the same has not been paid. As the petitioner insisted for payment of money, the 3rd respondent and his family members hatched a plan to lodge a complaint and accordingly complaint was lodge. Basing on that complaint, the petitioner was summoned, detained and harassed by the first respondent. Questioning the said action, the petitioner filed W.P.No.4304 of 2006 and this Court on 07.03.2006 dismissed the same. As there was threat of eviction, the petitioner filed
O.S. No.1611 of 2006 before the IX Junior Civil Judge, Hyderabad and obtained status quo order. It is stated that on the complaint filed by the 3rd respondent, the first respondent registered a case in Crime No.62 of 2006,dated 23.03.2006 for the offences under Sections 454 and 380 I.P.C. and the petitioner also being implicated in the said case. The petitioner questions the action of the first respondent in making an attempt to implicate her in the case.

A counter has been filed by the first respondent stating that the petitioner is a tenant of the third respondent since 1998 and on the report given by the 3rd respondent stating that he along with his family members went to BHEL to the house of his maternal uncle to attend a function as his uncle died on 13.02.2006. The petitioner and other

family members left the house at 9.30 a.m. on 23.02.2006 duly locking the house and when they came back at 4.30 p.m., they saw the almirahs of bed room and almirahs of her brother and parents were opened, then they suspected that a theft was committed in their house and the lock which was put up to the main door was intact, but the windows of the house were opened. Based on the report, Crime No.62 of 2006 was registered. During the course of investigation, the statement of one witness by name

Mrs. Farha Sulthana wife of Hassan who is neighbour of the complainant was recorded on 01.03.2006 wherein she revealed that she saw the petitioner herein entering into the house of the complainant when they were away on 23.02.2006 when the offence took place. Based on her statement, the petitioner was interrogated and therefore, the action taken by the first respondent cannot be said that it is contrary to the orders of the Court in W.P.No.4304 of 2006.

It is further stated that in fact, the third respondent filed W.P.No.14166 of 2006 alleging that the police are not investigating the case properly and failed to recover the theft property. In the said writ petition counter has been filed stating that the petitioner was arrayed as accused. It is further stated that the finger prints of the petitioner was taken and expert report was also received in which the finger prints of the petitioner were found to be matching with the photo chance prints taken from the scene of offence on 23.02.2006. It is stated that the polygraph test of the petitioner was scheduled on 19.09.2006, but she did not cooperate with the experts and therefore, the test could not be conducted.

In view of the aforesaid investigation, as it is clear that there is genuine suspicion of the petitioner's involvement in the offence,

I am of the opinion that the petitioner is not entitled for any relief to direct the respondents not to interfere with the life and liberty as

suspected in the said Crime No.62 of 2006 on the file of Police Station, Humayun Nagar.

Accordingly, the writ petition is dismissed. No costs.

V.ESWARAIAH, J.

Date:05.06.2007
ccm